



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,622	12/19/2001	Kenneth W. Aull	NG(MS)7194	2941
26294	7590	11/27/2006	EXAMINER	
TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P. 1300 EAST NINTH STREET, SUITE 1700 CLEVEVLAND, OH 44114			KHOSHNOODI, NADIA	
			ART UNIT	PAPER NUMBER
			2137	

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No. 10/027,622	Applicant(s) AULL ET AL.	
	Examiner Nadia Khoshnoodi	Art Unit 2137	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 07 November 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-16.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

  
**EMMANUEL L. MOISE**  
**SUPERVISORY PATENT EXAMINER**

Continuation of 11. does NOT place the application in condition for allowance because:

Applicants contend that "Geer taken in view of Kanevsky does not teach or suggest accessing a token through a token reader connected to a computer system by a certificate authority." Examiner respectfully disagrees. Geer teaches that a certifying authority is necessary to certify the identity of the user to the authorized computer and to the transaction computer (col. 2, lines 27-39). Thus, the certificate authority must have access to the user's information via the smart card in order to be able to prove the user's identity to the computers that the user is requesting some type of service from. Therefore, Geer teaches accessing a token through a token reader connected to a computer system by a certificate authority

Applicants also contend that "Geer does not teach or suggest that the smart card at the authorized computer 14 contains an identification certificate (i.e. signature certificate). Examiner respectfully disagrees. Geer teaches the use of public key certificates on a smart card (for one example, see col. 5, lines 1-10 and col. 6, lines 6-9). Further, a signature certificate is nothing more than a certificate that contains a public key which can be used to verify a digital signature, thus Geer teaches that the smart card contains a signature certificate (in various embodiments).

Applicants further contend that "Geer fails to teach or suggest that the public key certificate is ever stored on a smart card at the authorized computer." Examiner respectfully disagrees. Geer teaches, for example, in one embodiment that various certificates may be stored on the smart card in order to show that the user which the smart card belongs to has privileges to various services (col. 4, lines 62-67 and col. 5, lines 1-12). Thus, Geer teaches that a public key certificate is stored on the smart card at the authorizing certificate.

Applicants finally contend that combination of Geer and Kanevsky "does not teach or suggest that a certificate and an associated private key are wrapped with a public key associated with the token ID." Examiner respectfully disagrees. In one of the embodiments disclosed, Geer teaches that during a transaction with another entity (an electronic merchant in this example) the client finds the need to authenticate the entity that he/she is communicating with to carry out the transaction where the merchant sends a certificate with the private key for the communications (col. 4, lines 2-9). However, since Geer did not explicitly disclose various elements, including that the certificate and the private key are wrapped by a public key associated with the token ID. Therefore, for that element, Kanevsky was used to modify the transaction from Geer to be that of a password renewing transaction, where a client most definitely needs to authenticate himself/herself as well as to receive some way of authenticating the computer from which it requested the transaction (col. 8, lines 29-46). Furthermore, Kanevsky suggests the use of the public key and certificate (which are both associated with the token ID, i.e. the specific smartcard) to encrypt the pin-reset which would be sent along with the authentication data of the entity who conducted the transaction in order to allow the customer to ensure that the data received was sent by a specific entity (also in the previously cited column/line number). One would have been motivated to modify the method disclosed in Geer et al. with Kanevsky because doing so ensures that the information transmitted is both confidential and can only be decrypted by the user who has the private key associated with the public key of the smartcard.

Therefore, it is the Examiner's conclusion that the claims, as presented, are not patentably distinct over the prior arts of record.

*Nadia Koshlov*  
11/22/2006